

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EUGENE J. FIEDLER,

)

4:08CV3144

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Plaintiff,

)

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v.

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**MEMORANDUM
AND ORDER**

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STATE OF NEBRASKA

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DEPARTMENT OF ROADS, et al.,

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Defendants.

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This matter is before the court on Plaintiff's Motion for Extension of Time. (Filing No. [152](#).) In his Motion, Plaintiff requests an additional 60 days, until November 1, 2011, to respond to Defendants' pending Motion for Summary Judgment. (*Id.*) Defendants oppose the Motion. (Filing No. [153](#).)

At the time Plaintiff filed this matter, he was represented by counsel. (Filing No. [1](#).) However, on April 4, 2011, the court granted Plaintiff's counsel leave to withdraw, and Plaintiff has been representing himself since that time. (Filing No. [142](#) and [147](#) (text-only order).) The court has previously granted Plaintiff two lengthy extensions of time in order to respond to the pending Motion for Summary Judgment. (Filing No. [149](#) and [151](#) (text-only orders).) At the time it granted Plaintiff's last request for an extension of time, the court stated, "NO FURTHER EXTENSIONS OF TIME WILL BE GRANTED." (Filing No. [151](#) (text-only order).)

In his Motion, Plaintiff requests a third extension of time because he is now in possession of his files from his former attorney, Joy Schiffermiller, and has found them to be "totally disorganized and possibly incomplete." (Filing No. [152](#) at CM/ECF p. 1.) Defendants oppose the Motion only because the court previously stated that no further extensions of time would be granted. (Filing No. [153](#).) For good cause shown, and because the record does not show that Plaintiff seeks this

extension for delay or any other improper purpose, the court will permit one additional extension of time. However, under absolutely no circumstances will the court grant an additional extension of time to respond, and Plaintiff is cautioned that the court will proceed to rule on the merits of the pending Motion for Summary Judgment on November 1, 2011, regardless of whether Plaintiff has filed a response.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Extension of Time (filing no. [152](#)) is granted. Plaintiff shall have until November 1, 2011, to file a response to Defendants' Motion for Summary Judgment.
2. Defendants' Objection (filing no. [153](#)) is denied.
3. **The court will not grant Plaintiff any additional extension of time to filed a response to the pending Motion for Summary Judgment.**

DATED this 16th day of September, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge